

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 03-
	:	
v.	:	DATE FILED: September 24, 2003
	:	
NICHOLAS PAZ	:	VIOLATIONS:
	:	18 U.S.C. § 371 (Conspiracy to
	:	Tamper with a Witness - 1 Count)
	:	
	:	18 U.S.C. § 1512(b)(1) (Witness
	:	Tampering - 3 Counts)
	:	
	:	18 U.S.C. § 2 (Aiding and Abetting)

**INDICTMENT**

**COUNT ONE**

THE GRAND JURY CHARGES THAT:

1. At all times material to this indictment, Daniel J. Seal, II was an attorney licensed to practice law in the Commonwealth of Pennsylvania.
2. On or about May 31, 2002, defendant NICHOLAS PAZ was arrested by the FBI and charged with, among other offenses, bank robbery. Shortly after his arrest, defendant NICHOLAS PAZ expressed a desire to cooperate with the government in its investigation of others who committed criminal offenses.
3. On or about June 21, 2002, Harvey Clanton, a/k/a "Basir," was arrested by the FBI and charged with, among other offenses, conspiracy to commit bank robbery together with defendant NICHOLAS PAZ and two others. Shortly after his arrest, Clanton expressed a desire to cooperate with the government in its investigation of others who committed criminal offenses.

4. From in or about May 2002 to the present, a federal grand jury has been investigating, among other things, federal criminal violations committed by defendant NICHOLAS PAZ, Harvey Clanton and others.

5. After both defendant NICHOLAS PAZ and Harvey Clanton were ordered detained, officials at the Federal Detention Center in Philadelphia separated defendant NICHOLAS PAZ from Harvey Clanton so that they would not be able to directly communicate with each other.

6. On or about June 27, 2002, Daniel J. Seal, II entered his appearance on behalf of defendant NICHOLAS PAZ.

7. From on or about July 1, 2002, to on or about December 19, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

**NICHOLAS PAZ**

and Daniel J. Seal, II conspired and agreed together to commit an offense against the United States, that is, to corruptly persuade and attempt to corruptly persuade Harvey Clanton with the intent to influence the testimony of Harvey Clanton in an official proceeding, that is, a federal grand jury sitting in the Eastern District of Pennsylvania, investigating, among other things, possible federal criminal violations committed by defendant NICHOLAS PAZ, Harvey Clanton and others, in violation of Title 18, United States Code, Section 1512(b)(1).

**MANNER AND MEANS**

It was part of the conspiracy that:

8. Daniel J. Seal, II informed prosecutors that his client, defendant NICHOLAS PAZ, wanted to cooperate with the government in the investigation of other persons who

committed criminal offenses. By cooperating, defendant NICHOLAS PAZ hoped to have the government seek a reduced sentence for him.

9. Instead of providing truthful, complete and accurate information and testimony as required by the government, defendant NICHOLAS PAZ sought to have his accomplice, Harvey Clanton, provide false information to the government.

10. Because defendant NICHOLAS PAZ was separated from Harvey Clanton, defendant PAZ asked Daniel J. Seal, II to carry messages to Harvey Clanton about the false information that PAZ intended to communicate to the government.

11. Daniel J. Seal, II visited Harvey Clanton at the Federal Detention Center in Philadelphia and told Clanton about the false information that defendant NICHOLAS PAZ intended to communicate to the government.

### **OVERT ACTS**

In furtherance of the conspiracy, defendant NICHOLAS PAZ and Daniel J. Seal, II committed the following overt acts in the Eastern District of Pennsylvania:

1. On or about July 1, 2002, at the direction of defendant NICHOLAS PAZ, Daniel J. Seal, II visited Harvey Clanton at the Federal Detention Center in Philadelphia. Seal signed into the Federal Detention Center as an attorney for Harvey Clanton even though Seal did not have the permission of Clanton's lawyer to meet with Clanton.

2. On or about July 1, 2002, Daniel J. Seal, II gave Harvey Clanton a note from defendant NICHOLAS PAZ.

3. On or about July 1, 2002, Daniel J. Seal, II told Harvey Clanton that defendant NICHOLAS PAZ was going to cooperate with the government. After Seal told Clanton what information defendant PAZ intended to provide to the government, Clanton told Seal that some of

the information was false.

4. On or about July 8, 2002, defendant NICHOLAS PAZ caused a letter to be sent to Harvey Clanton at the Federal Detention Center in Philadelphia. In this letter, defendant PAZ stated that he knew that Clanton did not like the idea of providing false information to the government.

5. On or about August 6, 2002, at the direction of defendant NICHOLAS PAZ, Daniel J. Seal, II visited Harvey Clanton at the Federal Detention Center in Philadelphia. Seal met at the Federal Detention Center with Harvey Clanton even though Seal did not have the permission of Clanton's lawyer to meet with Clanton.

6. On or about August 6, 2002, Daniel J. Seal, II told Harvey Clanton that defendant NICHOLAS PAZ had provided the information they previously had discussed to the government.

7. On or about December 19, 2002, Daniel J. Seal, II spoke with Harvey Clanton on the telephone and told Clanton that Clanton could provide the government with some of the same information that defendant NICHOLAS PAZ had provided to the government.

All in violation of Title 18, United States Code, Section 371.

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 6 and 8 through 11 of Count One are incorporated here.

2. On or about July 1, 2002, at Philadelphia, in the Eastern District of

Pennsylvania, defendant

**NICHOLAS PAZ**

and Daniel J. Seal, II corruptly persuaded, attempted to corruptly persuade, and aided, abetted and willfully caused the corrupt persuasion of Harvey Clanton with the intent to influence the testimony of Harvey Clanton in an official proceeding, that is, a federal grand jury sitting in the Eastern District of Pennsylvania, investigating, among other things, possible federal criminal violations committed by defendant NICHOLAS PAZ, Harvey Clanton and others.

In violation of Title 18, United States Code, Sections 1512(b)(1) and 2.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 6 and 8 through 11 of Count One are incorporated here.
2. On or about July 8, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

**NICHOLAS PAZ**

corruptly persuaded, attempted to corruptly persuade, and aided, abetted and willfully caused the corrupt persuasion of Harvey Clanton with the intent to influence the testimony of Harvey Clanton in an official proceeding, that is, a federal grand jury sitting in the Eastern District of Pennsylvania, investigating, among other things, possible federal criminal violations committed by defendant NICHOLAS PAZ, Harvey Clanton and others.

In violation of Title 18, United States Code, Sections 1512(b)(1) and 2.

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 6 and 8 through 11 of Count One are incorporated here.
2. On or about August 6, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

**NICHOLAS PAZ**

and Daniel J. Seal, II corruptly persuaded, attempted to corruptly persuade, and aided, abetted and willfully caused the corrupt persuasion of Harvey Clanton with the intent to influence the testimony of Harvey Clanton in an official proceeding, that is, a federal grand jury sitting in the Eastern District of Pennsylvania, investigating, among other things, possible federal criminal violations committed by defendant NICHOLAS PAZ, Harvey Clanton and others.

In violation of Title 18, United States Code, Sections 1512(b)(1) and 2.

A TRUE BILL:

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FOREPERSON

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PATRICK L. MEEHAN  
United States Attorney